



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

**999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466**

December 17, 2003

Ref: 8ENF-T

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Laramie County Commissioners
c/o Jack Knudson, Chair
POB 608
Cheyenne, WY 82001

Re: Notice of Safe Drinking Water
Act Enforcement Action against
Town of Albin
PWS ID#5600189

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to the Town of Albin, Wyoming. This Order requires that the Town take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The Town of Albin is in violation of 40 C.F.R. §§ 141.63(a), 141.21(b), 141.21(b)(5), 141.88, 141.152-155, 141.201, 141.21(g)(2), 141.21(g)(1), and 141.31(b) for exceeding the maximum contaminant level and failure to monitor for bacteriological quality; failure to monitor lead and copper; failure to adequately complete the consumer confidence report; failure to notify the public of the violations; and failure to report the violations to EPA.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



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Enclosure



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

December 17, 2003

Ref: 8ENF-T

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Bob Anderson, Mayor
Town of Albin
POB 188
Albin, Wyoming 82050

Re: Administrative Order
Docket No. **SDWA-08-2004-0008**
PWS ID # 5600189

Dear Mayor Anderson:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that the Town of Albin is a supplier of water as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 CFR §§ 141.63(a), 141.21(b), 141.21(b)(5), 141.88, 141.152-155, 141.201, 141.21(g)(1), 141.21(g)(2) and 141.31(b) for exceeding the maximum contaminant level and failure to monitor for bacteriological quality; failure to monitor for lead and copper; failure to adequately complete the consumer confidence report; failure to notify the public of the violations; and failure to report the violations to EPA.

Violating the enclosed Order may lead to (1) a penalty of up to \$27,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

A Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet, U.S. EPA Small Business Resources, containing information on compliance assistance resources and tools available to small businesses, is enclosed with this

letter. Small governments are also included under SBREFA, and the enclosed fact sheet discusses resources which may also be available to small governments. Also, there is a compliance assistance center for small governments, the Local Government Environmental Assistance Network (LGEAN). LGEAN can be accessed at www.lgean.com or by calling (877) 865-4326. SBREFA does not eliminate your responsibility to comply with the SDWA.

Among other things, the Order calls for the Town to provide a public notification of violations of the SDWA. For your convenience, we have enclosed some template forms to assist you in providing the required public notice. If you have any questions or comments concerning the form of the public notice, please do not hesitate to contact Kathelene Brainich of the EPA, whose telephone number is provided below.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information should be sent to Kathelene Brainich at the address on the letterhead and include the mailcode 8ENF-T, or call (800) 227-8917, extension 6481 or (303) 312-6481. If you wish to have an informal conference with EPA, you may also call or write Ms. Brainich. If you are represented by an attorney, please feel free to ask your attorney to call Peggy Livingston, Enforcement attorney, at the above 800 number, extension 6858, or at (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures
Order
Public Notice template
SBREFA

cc: Larry Robinson, WY DEQ
Dr. Karl Musgrave, WDH



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)	
)	
Town of Albin)	
Albin, Wyoming)	
)	
Respondent)	
)	ADMINISTRATIVE ORDER
Proceedings under Section 1414(g))	
of the Safe Drinking Water Act,)	
42 U.S.C. §300g-3(g))	Docket No. SDWA-08-2004-0008

The following Findings are made and Order is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1414(g) of the Safe Drinking Water Act ("the Act"), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. The Town of Albin (Respondent) is a municipality and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Town of Albin Water System (the System), located in Laramie County, Wyoming, for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections used by year-round residents or regularly serves at least 25



year-round residents and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. Part 141.
5. According to a March 31, 1999 sanitary survey by an agent for EPA, Respondent operates a system that is supplied by three wells and serves approximately 128 persons per day through 96 service connections.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.21 requires community public water systems with a population of 25-1,000 to monitor their water at least once monthly to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. 40 C.F.R. § 141.63(a)(2) imposes and defines the MCL



for total coliform bacteria, applicable to any public water system collecting fewer than 40 samples per month, as prohibiting any more than one sample collected during the month from being positive for total coliform bacteria.

3. Monitoring results submitted by Respondent for the public water system indicated that during September 2002 and July, August, September, October, and November 2003 the System exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

II.

1. 40 C.F.R. § 141.21(b) requires public water systems to collect a set of repeat samples within 24 hours of being notified of a total coliform positive routine sample.
2. Respondent failed to collect a set of repeat samples for the September and November 2003 total coliform positive routine samples, in violation of 40 C.F.R. § 141.21(b).

III.

1. 40 C.F.R. § 141.21(b)(5) requires public water systems that collect fewer than 5 routine samples per month and have one or more total coliform positive samples to



collect at least 5 routine samples during the next month the system provides water to the public.

2. Respondent failed to collect at least 5 routine samples in October 2003 after a total coliform positive sample in the preceding month, in violation of 40 C.F.R. § 141.21(b) (5) .

IV.

1. 40 C.F.R. § 141.88 requires community water systems to monitor tap water for lead and copper triennially.
2. Respondent monitored for lead and copper in 2000 and 2003 but failed to monitor for lead and copper during the compliance period of 1997-1999, in violation of 40 C.F.R. § 141.88.

V.

1. 40 C.F.R. § 141.152-155 require community water systems to prepare and deliver an annual Consumer Confidence Report (CCR) to their customers by July 1st each year.
2. 40 C.F.R. § 141.153(d) (6) requires the CCR to clearly identify any data indicating violations of MCLs including the potential adverse health effects and actions taken by the system to address the violations.
3. Respondent failed to adequately identify the September 2002 total coliform MCL violation in its 2002 CCR and



did not include the lead and copper violation in the 1999 CCR, in violation of 40 C.F.R. § 141.153(d)(6)

VI.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any national primary drinking water regulation (NPDWR) violations, including violations of the maximum contaminant level, maximum residual disinfection level, treatment technique, monitoring requirements, and testing procedures in 40 C.F.R. Part 141.
2. Respondent has not provided public notice of the noncompliance detailed in the preceding Sections I through III of this Order, with the exception of the September 2002 MCL violation, in violation of 40 C.F.R. § 141.201.

VII.

1. 40 C.F.R. § 141.21(g)(1) requires a public water system that has exceeded the MCL for total coliforms in 40 C.F.R. § 141.63 to report the violation to EPA no later than the end of the next business day after it learns of the violation.
2. Respondent failed to report to EPA the total coliform MCL violations detailed in Section I, in violation of



40 C.F.R. § 141.21(g) (1) .

VIII.

1. 40 C.F.R. § 141.21(g) (2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA instances of noncompliance detailed in Sections II and III, in violation of 40 C.F.R. § 141.21(g) (2) .

IX.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA the noncompliance detailed in Sections IV through VII, in violation of 40 C.F.R. § 141.31(b) .

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Within 15 days of the effective date of this Order,



Respondent shall install and operate continuous disinfection to bring the system into consistent compliance with the MCL for coliform bacteria at 40 C.F.R. § 141.63. According to the latest sanitary survey, disinfection equipment is currently on site.

2. Within 15 days of the effective date of this Order, Respondent shall monitor residual disinfectant concentration of the water entering the distribution system daily and maintain a residual of not less than 0.2 mg/L. Respondent shall report the results to EPA within 10 days after the end of each month.
3. Within 90 days of the date of this Order, Respondent shall submit to EPA detailed plans for bringing Respondent's public water system into consistent compliance with the MCL for coliform bacteria at 40 C.F.R. § 141.63. The plans shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project and compliance with the MCL for coliform bacteria. The proposed schedule shall include specific milestone dates, a final compliance date that shall be within 9 months from the effective date of this Order and shall be submitted to the EPA and the Wyoming Department of



Environmental Quality (DEQ) for approval. The plans must be approved by EPA and DEQ before construction/modifications can commence.

4. The schedule for construction and completion of modifications will be incorporated into this Order upon written approval by EPA and DEQ.
5. Within 180 days of the date of this Order, Respondent shall submit to EPA a report on the completion of the plans identified in paragraph 3 above to bring Respondent's system into consistent compliance with the coliform bacteria MCL at 40 C.F.R. § 141.63.
6. Upon the effective date of this Order, Respondent shall comply with all repeat sampling requirements specified in 40 C.F.R. § 141.21(b). This requires that Respondent take no fewer than 4 repeat samples within 24 hours of being notified of a total coliform positive routine sample. Each repeat sample is to be analyzed for total coliform bacteria. At least one repeat sample must be taken from each of the following:
 - a) the tap where the original total coliform positive sample was taken, b) from within 5 service connections upstream of the original total coliform positive tap, and c) from within 5 service connections downstream



from the original total coliform positive tap. The fourth repeat sample is to be taken anywhere within 5 service connections upstream or downstream of the original total coliform positive tap. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

7. Upon the effective date of this Order, Respondent shall comply with all sampling requirements specified in 40 C.F.R. § 141.21(b)(5). If Respondent's water system has one or more total coliform positive samples in a month, Respondent shall collect at least 5 routine samples during the next month the system provides water to the public. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
8. Within 30 days of the effective date of this Order, Respondent shall redo the 2002 CCR summarizing drinking water information from January through December 2002 and deliver the report to the System's customers, in accordance with 40 C.F.R. §§ 141.152-155. The CCR shall identify the total coliform MCL violation in



September 2002 as a violation in both the table and the first sentence in the paragraph below the table. It shall also describe the potential adverse health effects and actions taken by the system to address the violation. Respondent shall provide EPA a copy of the CCR along with a certification of the date and method of distribution of the CCR to the System's customers no later than 10 days after distribution. Future CCRs shall comply with the requirements at 40 C.F.R. §§ 141.152-155.

9. Upon the effective date of this Order, Respondent shall monitor the System's water for lead and copper as required by 40 C.F.R. § 141.88. Respondent shall monitor for lead and copper between June 1, 2006 and September 30, 2006. Respondent shall report results to EPA within the first 10 days following the end of each applicable monitoring period, as required by 40 C.F.R. § 141.90(a).
10. No later than 30 days from the effective date of this Order, Respondent must provide public notice of the violations specified under the Findings of Violation in Sections I through III in this Order, with the exception of the September 2002 violation, to return to



compliance with 40 C.F.R. §§ 141.201, 141.204 and 141.205. This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; AND (2) any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice described above, such as publication in a local newspaper, delivery of multiple copies for distribution by customers that provide their drinking water to others, posting in public places served by the system or on the Internet, or delivery to community organizations. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but for no less than seven days. The public water system must repeat the notice every three months as long as the violation or situation persists. Upon the effective date of this Order, Respondent shall comply with the public notice requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required



by 40 C.F.R. § 141.31(d).

11. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63

to EPA no later than the end of the next business day after Respondent learns of the violation.

12. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.

13. Except where a different reporting period is specified in paragraphs 11 and 12 above, upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.

14. Reporting requirements specified in this Order shall be provided by certified mail to:

Kathelene Brainich
U. S. EPA Region VIII (8ENF-T)
999 18th Street, Suite 300
Denver, Colorado 80202-2466



GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 _____ et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$25,000 per day of violation, under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$27,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$27,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of



issuance of this Order.

Issued this 17th day of December, 2003.

David J. Janik

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

IF YOU WOULD LIKE COPIES OF THE ATTACHMENTS, PLEASE CONTACT THE
REGIONAL HEARING CLERK.

THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON DECEMBER 17, 2003.

